

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**LISTING OF CLAIMS:**

- 5 1. (Cancelled).
2. (Previously Presented) Crystalline oxcarbazepine, wherein the oxcarbazepine has a  
10 PXRD diffraction pattern with peaks at about 11.9, 14.4, 20.0, 23.0, 25.1 ± 0.2  
degrees two-theta.
3. (Original) The oxcarbazepine of claim 2 having a PXRD diffraction pattern with  
peaks at about 11.9, 14.4, 17.7, 19.4, 20.0, 21.1, 23.0, 24.0, 24.4, 25.1, 26.0 ± 0.2  
degrees two-theta.
- 15 4. (Original) The oxcarbazepine of claim 3 having a PXRD diffraction pattern  
substantially as depicted in figure 1.
5. (Previously Presented) A process for preparing the oxcarbazepine of claim 2  
comprising the steps of:
  - 20 a) preparing a solution of oxcarbazepine in a mixture of dichloromethane and  
toluene, and
  - b) evaporating the toluene and the dichloromethane leaving the oxcarbazepine as  
a residue.
- 25 6. (Original) The process of claim 5, wherein the solution is prepared by dissolving  
oxcarbazepine in dichloromethane and adding the dichloromethane to toluene.
7. (Previously Presented) Crystalline oxcarbazepine having a PXRD diffraction pattern  
30 with peaks at about 11.9, 14.4, 20.0, 23.0, 25.1 ± 0.2 degrees two-theta prepared by  
the process of claim 5.

8. (Previously Presented) A process for preparing the oxcarbazepine of claim 2 comprising the steps of:

- a) preparing a solution of oxcarbazepine in toluene;
- b) heating the solution;
- 5 c) cooling the solution at a rate of  $60^{\circ}\text{C min}^{-1}$  or above to cause formation of a precipitate; and
- d) separating the precipitate.

9. (Original) The process of claim 8, wherein the solution is heated to about reflux.

10. 10. (Original) The process of claim 8, wherein the solution is cooled to a temperature of about  $0^{\circ}\text{C}$ .

11. 15. (Previously Presented) Crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.9, 14.4, 20.0, 23.0,  $25.1 \pm 0.2$  degrees two-theta prepared by the process of claim 8.

12. (Cancelled).

20. 13. (Previously Presented) Crystalline oxcarbazepine, wherein the oxcarbazepine has a PXRD diffraction pattern with peaks at about 11.7, 21.7, 23.2,  $24.4 \pm 0.2$  degrees two-theta.

25. 14. (Previously Presented) The oxcarbazepine of claim 13 having a PXRD diffraction pattern with peaks at about 11.7, 17.0, 18.0, 21.7, 23.2,  $24.4, 26.0 \pm 0.2$  degrees two-theta.

30. 15. (Previously Presented) The oxcarbazepine of claim 14 having a PXRD diffraction pattern substantially as depicted in figure 2.

16. (Previously Presented) A process for preparing the oxcarbazepine of claim 13 comprising the steps of:

- a) preparing a solution of oxcarbazepine in toluene;

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- b) heating the solution;
- c) cooling the solution at a rate of from about 20 to 60°C min.-1 to cause formation of a precipitate; and
- d) separating the precipitate.

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- 17. (Original) The process of claim 16, wherein the solution is cooled at a rate of about 40°C per minute.
- 18. (Original) The process of claim 16, wherein the solution is cooled to about 0°C.

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- 19. (Original) The process of claim 16, wherein the solution is heated to about reflux.
- 20. (Previously Presented) Crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.7, 21.7, 23.2, 24.4 ± 0.2 degrees two-theta prepared by the process of claim 16.
- 21. (Cancelled).

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- 22. (Previously Presented) Crystalline oxcarbazepine, wherein the oxcarbazepine has a PXRD diffraction pattern with peaks at about 11.7, 14.2, 24.3 ± 0.2 degrees two-theta.
- 23. (Previously Presented) The oxcarbazepine of claim 22 having a PXRD diffraction pattern substantially as depicted in figure 3.

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- 24. (Previously Presented) A process for preparing the oxcarbazepine of claim 22 comprising the steps of:
  - a) preparing a solution of oxcarbazepine in toluene; and
  - b) evaporating the toluene leaving a residue of the oxcarbazepine.

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- 25. (Original) The process of claim 24, further comprising a step of heating the solution before evaporating.
- 26. (Original) The process of claim 25, wherein the solution is heated to about reflux.

27. (Original) The process of claim 25, further comprising cooling the heated solution before evaporating.

5 28. (Original) The process of claim 27, wherein the solution is cooled to about 0°C.

29. (Original) The process of claim 24, further comprising a step of cooling the solution.

30. (Original) The process of claim 29, wherein the solution is cooled to about 0°C.

10 31. (Original) The process of claim 24, wherein the toluene is removed from the solution by evaporation.

15 32. (Previously Presented) Crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.7, 14.2, 24.3 ± 0.2 degrees two-theta prepared by the process of claim 24.

33. (Original) An oxcarbazepine chloroform solvate.

20 34. (Cancelled).

35. (Previously Presented) A crystalline oxcarbazepine chloroform solvate, wherein the oxcarbazepine has a PXRD diffraction pattern with peaks at about 14.5, 15.0, 18.2, 21.4, 22.9, 24.0, 25.8, 26.0 ± 0.2 degrees two-theta.

25 36. (Previously Presented) The oxcarbazepine chloroform solvate of claim 35, wherein the oxcarbazepine has a PXRD diffraction pattern substantially as depicted in figure 4.

30 37. (Original) The oxcarbazepine chloroform solvate of claim 33 containing about a 27 weight % chloroform.

38. (Original) A process for preparing oxcarbazepine chloroform solvate comprising:

- a) causing formation of a precipitate from a solution of oxcarbazepine in chloroform, and
- b) separating the precipitate.

5 39. (Original) The process of claim 38, further comprising a step of heating the solution before causing formation of the precipitate.

40. (Original) The process of claim 39, further comprising a step of cooling the heated solution, whereby cooling causes formation of the precipitate.

10 41. (Original) The process of claim 39, wherein the solution is heated to an elevated temperature of from about 50°C to about 60°C.

15 42. (Original) The process of claim 41, wherein the solution is heated to an elevated temperature of about 55°C.

43. (Original) The process of claim 41, wherein the heated solution is cooled to a reduced temperature of from about 10°C to about 20°C.

20 44. (Original) The process of claim 43, wherein the reduced temperature is about 16°C.

45. (Currently Amended) The oxcarbazepine chloroform solvate produced by the process of claim 37 38.

25 46. (Previously Presented) A process for preparing crystalline oxcarbazepine having a PXRD diffraction pattern substantially as depicted in figure 5 comprising:

- a) providing the oxcarbazepine chloroform solvate of claim 35,
- b) heating the oxcarbazepine chloroform solvate, and
- c) recovering the oxcarbazepine.

30 47. (Previously Presented) The process of claim 46, wherein the oxcarbazepine solvate is heated to an elevated temperature in the range of from about 40°C to about 80°C.

48. (Original) The process of claim 47, wherein the elevated temperature is about 60°C.

49. (Previously Presented) A process for preparing crystalline oxcarbazepine having a  
5 PXRD diffraction pattern substantially as depicted in figure 5 comprising  
a) providing crystalline oxcarbazepine having a PXRD diffraction pattern with  
peaks at about 11.9, 14.4, 20.0, 23.0,  $25.1 \pm 0.2$  degrees two-theta,  
b) heating the oxcarbazepine, and  
c) recovering the oxcarbazepine.

50. (Previously Presented) The process of claim 49, wherein the oxcarbazepine is heated  
10 to an elevated temperature in the range of from about 60°C to about 120°C.

51. (Original) The process of claim 50, wherein the elevated temperature is about 60°C.

52. (Previously Presented) A process for the preparation of crystalline oxcarbazepine  
15 having a PXRD diffraction pattern with peaks at about 11.7, 21.7, 23.2,  $24.4 \pm 0.2$   
degrees two-theta comprising  
a) providing crystalline oxcarbazepine having a PXRD diffraction pattern with  
peaks at about 11.9, 14.4, 20.0, 23.0,  $25.1 \pm 0.2$  degrees two-theta,  
b) maintaining the oxcarbazepine at a temperature in the range of from about 20  
20 to about 30°C, and  
c) recovering the oxcarbazepine.

53. (Previously Presented) A process for preparing crystalline oxcarbazepine having a  
25 PXRD diffraction pattern substantially as depicted in figure 5 comprising:  
a) contacting oxcarbazepine selected from the group consisting of crystalline  
oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.9,  
14.4, 20.0, 23.0,  $25.1 \pm 0.2$  degrees two-theta, crystalline oxcarbazepine  
having a PXRD diffraction pattern with peaks at about 11.7, 21.7, 23.2,  $24.4 \pm$   
30 0.2 degrees two-theta, and crystalline oxcarbazepine having a PXRD  
diffraction pattern with peaks at about 11.7, 14.2,  $24.3 \pm 0.2$  degrees two-theta  
with a protic solvent; and  
b) recovering the oxcarbazepine.

54. (Previously Presented) The process of claim 53, wherein the crystalline oxcarbazepine is suspended in the protic solvent.

55. (Original) The process of claim 53, wherein the protic solvent is selected from the group consisting of water and ethanol.

56. (Previously Presented) The process of claim 54, wherein the crystalline oxcarbazepine is suspended in the protic solvent from about two hours to about three days.

10 57. (Previously Presented) The process of claim 56, wherein the crystalline oxcarbazepine is suspended for about one day.

58. (Currently Amended) A pharmaceutical composition comprising:

15 a) ~~crystalline oxcarbazepine selected from the group consisting of crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.9, 14.4, 20.0, 23.0, 25.1 ± 0.2 degrees two-theta, crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.7, 21.7, 23.2, 24.4 ± 0.2 degrees two-theta, crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.7, 14.2, 24.3 ± 0.2 degrees two-theta, and crystalline oxcarbazepine chloroform solvate having a PXRD diffraction pattern with peaks at about 14.5, 15.0, 18.2, 21.4, 22.9, 24.0, 25.8, 26.0 ± 0.2 degrees two-theta; and~~

20 b) a pharmaceutically acceptable excipient,  
~~wherein the crystalline oxcarbazepine is selected from the group consisting of crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.9, 14.4, 20.0, 23.0, 25.1 ± 0.2 degrees two-theta, crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.7, 21.7, 23.2, 24.4 ± 0.2 degrees two-theta, crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.7, 14.2, 24.3 ± 0.2 degrees two-theta, and crystalline oxcarbazepine chloroform solvate having a PXRD diffraction pattern with peaks at about 14.5, 15.0, 18.2, 21.4, 22.9, 24.0, 25.8, 26.0 ± 0.2 degrees two-theta.~~

25 30 59. (Previously Presented) The pharmaceutical composition of claim 58, wherein the composition is mixed with one or more crystalline oxcarbazepine.

60. (Original) A pharmaceutical dosage form comprising the pharmaceutical composition of claim **58**.

5 61. (Original) The pharmaceutical dosage form of claim **60**, wherein the dosage form is a capsule or tablet.

62. (Original) The pharmaceutical dosage form of claim **61**, wherein the dosage form is a tablet.

10 63. (Original) The pharmaceutical dosage form of claim **60**, containing a unit dosage of about 150mg to about 600mg oxcarbazepine.

15 64. (Original) The pharmaceutical dosage form of claim **63**, containing a unit dosage selected from the group consisting of about 150mg, 300mg and 600mg.

65. (Original) The pharmaceutical dosage form of claim **60**, wherein the dosage form is an oral suspension.

20 66. (Original) The pharmaceutical dosage form of claim **65**, wherein the dosage is about 60mg ml<sup>-1</sup>.

67. (Original) The pharmaceutical dosage form of claim **66**, wherein the dosage is about 300mg ml<sup>-1</sup>.

25 68. (Currently Amended) A method of treating a patient suffering from preventing or reducing the severity of seizures comprising administering administering the pharmaceutical composition of claim **58** to a patient in need thereof.

69. (Original) The method of claim **68**, wherein the seizures are associated with epilepsy.

30 70. (Currently Amended) A method of treating Parkinson's disease comprising administering administering the pharmaceutical composition of claim **58**.

71. (Currently Amended) A method of treatment for depressing the central nervous system comprising administering the pharmaceutical composition of claim **58**.

72. (Original) The method of claim 71, wherein the central nervous system is depressed by blocking voltage sensitive sodium channels.